UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IN RE REQUEST FOR RECORDS PURSUANT
TO THE CRIMINAL JUSTICE ACT MADE BY
JOHN R. DEPAOLA,   **ORDER**

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On January 13, 2015, John R. DePaola, Esq., submitted a FOIA request with the Clerk of

Court, seeking disclosure of information relating to CJA fees paid to Steven L. Brounstein, a

CJA Panel attorney, between January 1, 2009 and the present. Among the information requested,

Mr. DePaola seeks: 1) the names, docket numbers or indictment numbers of all cases/criminal

defendants assigned to Mr. Braunstein during the period, along with the date the cases resolved;

2) the amount paid on each case and dates of payment; and 3) time sheets, vouchers, or other

documents submitted in connection with these matters. In response to his initial letter, the

Clerk's Office informed Mr. DePaola that FOIA does not apply to the judiciary but provided Mr.

DePaola with a list of the cases to which Mr. Braunstein had been assigned and their

corresponding docket numbers.

On March 2, 2015, Mr. DePaola submitted a second letter asking the Clerk to reconsider

the initial denial of his request. Citing 18 U.S.C. § 3006A(d)(4)(a), Mr. DePaola argues that

information relating to fees under the CJA is "presumptively accessible to the public." (DePaola

Letter, dated March 2, 2015 (quoting United States v. Gonzales, 150 F.3d 1246, 1263 (10th Cir.

1998)). Given the concern that some of the documents may impact on the interests of the

criminal defendants in these cases, the request was referred to me in my capacity as Chair of the

CJA Committee.

To the extent that Mr. DePaola's request seeks payment vouchers themselves, the statute explicitly provides that if a case is in a pre-trial status or a trial is in progress, the court shall redact any information provided by defense counsel to justify the expenses to the court, in consideration of the defendant's interests, including the need to protect the defendant's Fifth and Sixth Amendment rights, attorney-client privilege, work-product of the attorney, or safety of any person. 18 U.S.C. § 3006A(d)(4)(B)(i), (C)(ii), (D). The statute further directs that reasonable notice be provided to counsel for the defendant prior to the release of unredacted copies of vouchers in order to allow counsel an opportunity to request redaction. 18 U.S.C. § 3006A(d)(4)(E). If there is an appeal, unredacted copies are not to be released until the appeals process is completed. Id. However, Mr. DePaola is not entitled to obtain "[d]ocumentation submitted in support of, or attached to, payment claims," as such documentation is not covered by this disclosure provision. (See VII Admin. Office of the U.S. Courts, Guide to Judiciary Policies and Procedures § 510 (2014)).

Accordingly, Mr. Braunstein is hereby given notice that the CJA vouchers and other information listed above have been requested by Mr. DePaola. In accordance with the statute, Mr. Braunstein is given until April 6, 2015 to notify this Court if there are any redactions required in the CJA vouchers associated with the cases listed in Attachment A hereto.

SO **ORDERED.**

Dated: Brooklyn, New York
      March 23, 2015

Isl CHERYL   LA'K-
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Cheryl L. ollak
United S ates Magistrate Judge
Eastern District of New York

EXHIBIT A

Steven Brounstein's CJA Cases from January 1, 2009 to March 2, 2015

1. Anthony Zaffarino 1:00-cr-00824-ILG-13

2. Karen Gines I:03-cr-00297-NGG-I8

3. Bella Yatskayer I:04-cr-00420-FB-2

4. Cesar Pinero I:04-cr-00769-CBA-3

5. Michael Levy I:05-cr-00743-DGT-I

6. Shevon Gumbs I:05-mj-00008-MDG-I

7. Lee Jaudon 1:06-cr-00122-BMC-10

8. Eligio Carmona

9. Shaheed Khan 1:06-cr-00255-DLt-I

10. Armar Parmar I:06-cr-00441-ERK-1

11. Robert Schwichrath 1:06-cr-00800-SLT-16

12. Allen Wilson 1:07-cr-00108-ENV-3

13. Joachim Chibuzor Ekeagwu 1:07-cr-00340-RJD-1

14. Abram Morduhaaev 1:07-cr-00606-BMC-2 [1]

15. Phillip Costanza I:07-cr-00725-JBW-2

16. Thomas Maxwell 1:07-mj-00944-RML-l

17. Ricardo Paredes I:08-cr-00056-BMC-I

18. Gilberto Arias   I:08-cr-00065-SLT-6

19. Leonid Aronov I:08-cr-00374-RJD-I

20. Muhammad Bajwa 1:08-cr-00528-SLT-4

21. Shaheed Khan I:08cr-00640-DLt-2

22. Robert Dzeidziach I:08-cr-00707-NG-2

23. Robert Allen 1:08-cr-00755-RJD-1

24. Selwyn Stanley 1:08-mj-00568-SMG-1 (merged)

25. Edgar Taveras 1:08-mj-00904-JMA-23 (merged)

26. Edgar Taveras 1:09-cr-00110-RLM-1

27. Selwyn Stanley 1:09-cr-00141-NGG-1

28. Shaheed Khan 1:09-cr-00167-DLI-1

29. Jason Valcarcel 1:09-cr-00167-KAM-1

30. Julio Enrique Ayala Munoz 1:09-cr-00300-SLT-4

31. Brandon Hartman 1:09-cr-00616-ENV-1

32. Adam Lawson Tucker 1:09-cr-00666-NG-1

33. David Ernesto Calderon-Contreras 1:09-cr-00823-BMC-J0-1

34. Jason Valcarcel 1:09-mj-00189-MDG-1 (merged)

35. Adam Lawson Tucker 1:09-mj-00190-MDG-1 (merged)

36. Abid Naseer 1:10-cr-0019-RJD-4

37. Anthony Calandra 1:10-cr-01008-BMC-RER-1

38. David Khoukhackvili 1:10-mj-00382-RLM-1; 1:10-mj-00385-RLM-1

39. Elome Guinn 1:10-mj-01074-CLP-1 (merged)

40. Joseph Virzi 1:11-cr-00030-KAM-38

41. Earl Priester 1:11-cr-00084-ENV-1

42. Ayman Ramadan 1:11-cr-00340-ERK-SMG-4

43. Arias v. USA 1:11-cv-02467-CBA

44. Jun Wu Zhang 1:13-cr-0068-DLI-4

45. Anthony Diaz 1:13-cr-00259-KAM-9

46. Henry Fernandez 1:14-cr-00669-WFK-RML-1 ; 1:14-mj-01069-LB-1 (merged)

47. Karen Gines 1:04-cr-01063-NGG-I

48. Juan Pablo Hernandez 1:06-cr-00237-ER.K-I

49. Michael George Mhina 1:13-cr-00686-RRM-MDG-I ; I:I3-mj-00992-RLM-1 (merged)

50. Owen O'Reilly 2:11